IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)
FRIDAY, THE EIGHTEENTH DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 10017 of 2004

Between:

P.S. Ramananda Mallan, S/o. Subrayamallan,
Pudu Vettle, CMC NO. 25, Charthala, Kerala.

..... PETITIONER

AND

1 The Asst. Motor Vehicle Inspector, Transport Department, Checkpost, Palamaneru, Chittoor District.

2 The Station House Officer, Gangavaram PS, Chittoor District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of Certiorari calling for all the connected records including the vehicle check report bearing no. 2551470 dated 1-6-2004 relating to vehicle bearing no. KL 05 E 3525 of the first respondent and quash the same as illegal, improper, unjust arbitrary and contrary of law and further direct the respondent herein to release the vehicle bearing no. KL 05 E 3525 of the petitioner forthwith and pass such other order or orders in the interest of justice.

For the Petitioner: MR.K.G.KRISHNA MURTHY, ADVOCATE

For the Respondent No.: GP FOR TRANSPORT

The Court Made the Following:

ORAL ORDER:

The Petitioner's vehicle was seized on 01.06.2004 for violation of certain irregularities, and on the ground that certain records relating to the vehicle not produced. Thereafter, the Writ petitioner filed an application on 03.06.2004 before the Deputy Commissioner of Transport, Chittoor for grant of interim custody, but no orders have been passed.

Now, the copies of the records are filed by the writ petitioner. The violation, if any, has to be considered by the concerned authorities as per the provisions of the Motor Vehicles Act. Therefore, it is not conducive to keep the vehicle exposed to sun and rain.

In the result, the vehicle shall be released by the concerned authorities on depositing a sum of Rs.10,000/- (Rupees ten thousand only) by the petitioner on conditions:

1) that the vehicle shall be produced as and when required by the concerned authority and
2) that the vehicle shall not be sold, transferred or alienated during the pendency of the enquiry.

Accordingly, the writ petition is disposed off. No costs.

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Asst. Motor Vehicle Inspector, Transport Department,
Checkpost, Palamaneru, Chittoor District.

2 The Station House Officer, Gangavaram PS, Chittoor District.

3. 2 CCs to G.P. for Transport, High Court Buildings, A.P.
Hyderabad.

4. 2 C.D. Copies

Note :

Issue C.C. on 22.6.2004

B/O

M.V.B.

THE HONOURABLE SRI JUSTICE K.C. BHANU

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WRIT PETITION No.10017 OF 2004

18th day of June, 2004

KSN